

Request for Council Action

Originator Legal	Item Liquor License Violation Hearings
Agenda Section Licensing	Date 2/23/2015
Description	

On December 17, 2014, while Bloomington Police Officers were conducting a detail to enforce the law against liquor sales to underage persons, four license holders were charged with selling alcohol to operatives who were under 21 years old.

All four liquor license violations are set for hearing before this meeting of the Bloomington City Council. None of the establishments have prior violations within the past five years.

Included in the agenda materials are signed stipulations of facts from the establishments. These stipulations incorporate and include the corresponding police reports.

The following license violations are set for this meeting of the Bloomington City Council:

Off-Sale:

B3 Investments, LLC
d/b/a Clover Wine & Spirits
800 West 98th Street
No Previous Violations
(Off-Sale Liquor)

On-Sale:

FS Midwest Restaurant Ventures
d/b/a Redrossa Italian Grille
1901 Killebrew Drive
No Previous Violations
(On-Sale Liquor)

Luby's Fuddruckers Restaurants
d/b/a Fuddruckers
3801 Minnesota Drive
No Previous Violations
(On-Sale Liquor)

Streetz Grill Bloomington, LLC
d/b/a Streetz American Grill
1200 West 98th Street
No Previous Violations
(On-Sale Beer/Wine)

Two votes of the City Council are necessary:

The first vote is to determine if the violation was willful or not. A license holder willfully commits a violation when a preponderance of the evidence demonstrates that the establishment, through its management and employees, intentionally, knowingly, or purposefully violated any state liquor law or City ordinance relating to the sale of intoxicating liquor, as opposed to carelessly, thoughtlessly or inadvertently violating those laws. A finding of willfulness may be used to support a revocation of the license or create a 5-year period of ineligibility for a liquor license. The City Council may consider all evidence presented at this hearing, including the stipulation, attached police reports and the evidence and arguments provided by the licensee in making this determination.

The second vote is to determine penalty.

If the violation is found to be nonwillful, the City Council has the discretion to impose a fine not to exceed \$2,000, suspend the license for up to 60 days or impose a combination of fine and suspension.

If the violation is found to be willful, the City Council may additionally consider revoking the license if it finds that its continuation poses a detriment to the health, safety, welfare or morals of the community.

For nonwillful violations, generally the City Council has looked back five years in determining penalty.

For on-sale and off-sale licensees the penalty has historically been \$1,000.00 for a first violation in five years and \$1,250 for a second violation in five years, and \$2000.00 for a third violation in five years.

For wine and beer licenses the penalty has historically been \$500 for the first violation in five years and \$750 for a second violation in five years. No establishment has been given a fine for a third offense in five years, but the presumed penalty, according to Resolution 2005-118, is \$1,250.

Requested Action

It is recommended that the above-described establishments be fined as follows:

B3 Investments, LLC, d/b/a Clover Wine & Spirit - **\$1,000.00**

FS Midwest Restaurant Ventures d/b/a Redrossa Italian Grille - **\$1,000.00**

Luby's Fuddruckers Restaurants, d/b/a Fuddruckers - **\$1,000.00**

Streetz Grill Bloomington, LLC, d/b/a Streetz American Grill - **\$500.00**

Attachments:

Comment

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Comment

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Comment